



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

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1

SUBJECT: RISK MANAGEMENT

1.0 PURPOSE

To establish policy and procedure for the monitoring, audit, critique, reporting, prevention, and control of risk exposures and/or financial losses resulting from all claims, actual and potential, against the Department of Public Safety (DPS).

2.0 POLICY

In order to administer and fulfill the requirements of the State Loss Prevention and Control Program (1.6.4 NMAC), it is the policy of DPS to establish procedures necessary to minimize general liability, including the prevention and control of insurable casualty, property, and worker compensation losses.

3.0 APPLICABILITY

This policy applies to all DPS divisions, employees, visitors, and outside contractors.

4.0 REFERENCES

- A. Occupational Health and Safety Act, § 50-9-1 through 50-9-25, NMSA 1978**
- B. State Loss Prevention and Control Program, 1.6.4 NMAC**

5.0 DEFINITIONS

- A. Casualty Loss** – Losses resulting from claims for damages due to accidents or injury.
- B. Incident and Loss Investigation** – Process whereby actual, accrued, or potential loss claims and incidents that could result in a claim are examined by qualified and knowledgeable individuals in order to determine the causes for the loss and to recommend corrective action to prevent recurrence of the loss.
- C. Loss Claim or Exposure** – Either a confirmed claim for injury or loss resulting from an incident or a condition that potentially could result in such a claim. The claim does not have to occur on DPS property.
- D. Loss Prevention and Control Coordinator (Coordinator)** – Individual appointed by the Cabinet Secretary to critique and promote safe working conditions and practices, to develop accident prevention and loss prevention and control programs, and to design procedures for evaluation of these programs within DPS.
- E. Loss Prevention and Control Committee (Committee)** – Committee appointed by the Cabinet Secretary and composed of representatives of all operational functions of DPS – who will have responsibility for oversight of risk management and loss prevention and control in DPS.

- F. Property Loss** – Losses resulting from claims for damages to physical property and equipment.
- G. Risk Management Division (RMD)** – Division within the General Services Department responsible for administering the State's insurance and risk management function and establishing safety programs and regulations for the effective implementation of these practices.
- H. Self-Inspections** – Process whereby **District Commanders/Division Directors/Bureau Chiefs** are required to record incidents and identify hazards or situations that result, or have the potential to result, in a loss or claim. These inspections shall include office settings and industrial areas such as laboratories, garages, and workshops. Any areas such as weight rooms and exercise equipment will be included as an office setting when conducting self-inspections.
- I. Self-inspection Checklist** – A written document detailing the essential activities, functions, and procedures that should be reviewed in any given functional or operational activity, duty, or responsibility at DPS.
- J. State Loss Control Manager** – RMD loss control manager responsible for the interfacing for loss data, information, and audits with DPS risk managers.
- K. Unsatisfactory Risk Condition** – Work related situations or conditions that pose an unsatisfactory risk of loss for DPS.

6.0 PROCEDURE

A. Loss Prevention and Control Coordinator Duties

1. The Coordinator will be appointed by the Office of the Secretary and will be responsible for reporting to the Office of the Secretary all matters involving the monitoring, evaluating, and controlling of all risk and loss conditions in the workplace.
2. The Coordinator will have the following responsibilities and duties, including, but not limited to:
 - a. Promote adherence to policy and procedure including directives and guidelines to ensure that risk of loss due to accidents, injury, and/or liability claims are minimized;
 - b. Serve as a member of the Department Loss Prevention and Control Committee and the Agency Safety Committee;
 - c. Act as liaison with the state loss control manager and other loss prevention and control coordinators, both within and outside of DPS, on loss prevention and control matters;
 - d. Ensure necessary checklists are developed covering the essential aspects of DPS operations for self-inspection and audit purposes. Once approved, the checklists will be used by the managers and supervisors as a basis for self-inspection, follow-up, discovery, and reporting of potential loss conditions or liability;

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- e. Inform the Committee of significant risk of loss or liability conditions which continue to exist due to budgetary or procedural limitations. Repeat deficiencies shall be identified and brought to the attention of the Committee;
- f. Review DPS loss claims and make recommendations to prevent future losses;
- g. Monitor and, where appropriate, aid in the investigation (except in open criminal and administrative investigations, EEO investigations, and those being conducted by the Standards Bureau) and reporting of incidents and losses, including receiving, recording, and analyzing loss information for statistical purposes; loss prevention and control coordinators may conduct their own investigation and analysis of any incident or loss where necessary to determine the cause and prevent recurrence;
- h. Provide technical information to employees and agency management concerning the New Mexico Occupational Health and Safety Act requirements, as well as RMD policies, procedures, and rules;
- i. Ensure that loss prevention and control training is provided, and assess the adequacy of such training;
- j. Ensure that new employee orientation training is provided that addresses agency loss prevention and control goals, policies, and procedures; and,
- k. Report all required information to the State Loss Control Manager, including updates of the DPS's loss prevention and control plans, and copies of minutes from quarterly Loss Control Committee meetings (within thirty [30] days of occurrence).

B. Loss Prevention and Control Committee and Member Duties

- 1. The administration and management of this policy will be assigned to a Loss Prevention and Control Committee (Committee) appointed by the Cabinet Secretary (Secretary).
 - a. The Committee shall be created at the Agency level with subcommittees appointed by the Committee at their discretion and direction as necessary to perform the duties and responsibilities as prescribed by this policy.
 - b. The Secretary shall appoint division directors, bureau chiefs, and section or unit heads, as appropriate, representing all major components of DPS's organizational structure as Committee members. Refer to *Attachment A. List of Loss Prevention and Control Coordinators & Loss Prevention and Control Committee Members*.
 - c. The Committee shall annually elect a chairman and a secretary from among the members to facilitate and record all Committee meetings and proceedings.
 - d. The Committee shall hold regular meetings at least quarterly (special meetings may be called as required). The Committee secretary shall keep minutes of the proceedings and shall forward copies to the State Loss Control Manager within thirty (30) days of the meeting date. Copies of minutes from sub-committees

shall be retained by the Committee chairman and preserved pursuant to the Public Records Act.

- e. Participate in quarterly (and other) meetings, trainings, and related initiatives.
- f. Compile, analyze, and evaluate agency loss information to ensure adequate measures are being taken to prevent recurrence of the same or similar losses. Where such measures are not adequate, the Committee shall make recommendations to Office of the Secretary or initiate additional action as appropriate.
- g. Establish, evaluate, and make recommendations for improvement of DPS loss prevention and control activities.
- h. The Committee may appoint individuals and/or sub-committees to conduct audits, analyses, or special assignments as necessary to review and/or correct situations and processes that in the Committees opinion pose a liability or damage risk to DPS.
- i. Committee members will be required to coordinate the preparation, review, and approval for use of all comprehensive checklists and to review all operational and administrative policies to ensure that they cover risk management considerations.
- j. Perform any other functions the Committee considers useful, appropriate, and consistent with the DPS Risk Management Policy.

C. Loss Reporting and Investigations

1. DPS will maintain and implement loss reporting and investigation procedures as appropriate to each of its divisions. District Commanders/Division Directors/Bureau Chiefs will create a loss prevention and control plan of their areas of responsibility. The plan will be reviewed and updated annually with new procedures or practices, as needed. The plan will include, at a minimum, procedures for:
 - a. building evacuations;
 - b. fire safety;
 - c. sheltering in place during an emergency situation;
 - d. the reporting of all work-related injuries;
 - e. the procedure to report lost, worn, or broken office items that may cause injury;
 - f. the procedure to report facility maintenance issues; and,
 - g. the procedure to report any other potential losses or claims against DPS.
2. Incident reporting will occur immediately following an incident by the supervisor that was first notified and responded to the location of the incident. Investigations shall be conducted, within two (2) days of the incident, by District Commanders/Division Directors/Bureau Chiefs or their designees in a manner that fully documents and explains the circumstances and issues underlying any accrued or actual claim or

loss occurrence. These investigations shall not involve open criminal or administrative investigations or investigations being conducted by the Equal Opportunity Officer or Standards Bureau.

3. The incident report, *Attachment B. Supervisor Loss Prevention Incident Reporting Form*, shall include, but not be limited to, the following:
 - a. Type of loss or incident;
 - b. Involved parties (employees, witness, outside contractors, etc.);
 - c. Incident location;
 - d. Incident day and time;
 - e. Injuries;
 - f. Activity engaged in at the time of the incident (running, walking lifting. etc.); and,
 - g. A brief analysis and future prevention suggestions.
4. The investigative report, *Attachment C. Investigator's Report Form*, shall include, but not be limited to, the following:
 - a. Investigative facts;
 - b. The investigator's analysis, based on investigative findings, as to the immediate and root cause(s) for the loss,
 - c. The investigator's recommendations for correcting the problem and preventing further losses of the same kind, and;
 - d. All supplemental investigative data such as employee/witness statements, *Attachment D. Employee Statement* and *Attachment E. Witness Statement*, other reports, photos, diagrams, etc.
5. Copies of investigative reports shall be distributed to the investigator's supervisor, the Coordinator, and the Office of the Secretary; however, there shall be no waiver, expressed or implied, as to privileged or otherwise confidential matters contained therein. Copies of investigative reports for alleged job-related injuries or illnesses shall also be distributed to the assigned Human Resources Bureau Leave Manager.
6. The Coordinator will evaluate the complete investigative report and communicate his/her comments/concerns, if any, to the responsible operational supervisor and the Office of the Secretary.
7. A quarterly report (Quarterly Risk Management and Loss Report) showing all new claims and incremental charges and issues on existing claims will be prepared and presented by the Coordinator to the Committee for review and approval.
8. The results and findings of the Coordinator's quarterly report shall be reviewed and approved by the Committee. Any recommendations from the Committee for corrective actions based on the report findings will be forwarded to the Office of the Secretary.

9. Department supervisors shall ensure that any corrective action as a result of any investigative finding are communicated and implemented by all subordinates.
10. Any investigations and reports prepared pursuant to this procedure are supplementary to and do not replace other required reports.
11. Investigations related to an alleged job-related injury or illness and all supplemental documentation generated will become part of the injury or illness claim record/file.

D. Training

1. Loss prevention and control, safety, and employment-related, *ADM: 34 Anti-Discrimination, Harassment, and Retaliation*, civil rights training, including conflict resolution, shall be provided to all employees on an annual basis by entities appointed or selected by the Office of the Secretary.
2. Loss prevention and control policy objectives and relevant procedures for achieving those goals as part of initial job training and orientation provided to all new employees of the Department of Public Safety. This training will also be provided to all newly promoted and hired supervisor positions. Upon reporting to their assigned duty station/office, supervisors will review all items, as applicable, listed in *Attachment H. New Employee Orientation Checklist* with the new employee. Copies shall be forwarded to HR for placement in the employee's personnel file.
3. On-the-job training in safety procedures and precautions including, especially, the provisions of the New Mexico Occupational Health and Safety Act (OSHA) and other applicable regulations will also be made available to employees on a semi-annual or annual basis by entities appointed or selected by the Office of the Secretary.
4. To promote an awareness of DPS loss experience, a summary and analysis of incurred DPS losses in their area(s) of responsibility shall be distributed to DPS management and supervisors periodically by entities appointed or selected by the Office of the Secretary.

E. Job-Related Injury or Illness

In order to manage risk of loss from job-related injury or illness, complete policy and procedural guidelines shall be implemented and observed throughout DPS. See *PRS: 04 Workers Compensation*, *PRS: 11 State Police Duty-Injury Leave*, and *PRS: 19 Modified/Limited Duty*.

F. Self-Inspections and Audits

1. DPS will cooperate with RMD and assist on any scheduled audits of the department's risk management preparedness and efforts to reduce loss experience.
2. As appropriate, DPS will participate in programs and procedures developed by RMD to further enhance the ongoing State loss prevention and control program effort.

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3. The Secretary, or designee, shall respond to RMD audits within thirty (30) days citing what actions have been taken to address the issues and the recommendations noted in the report.
4. All DPS Divisions and Bureaus will complete self-inspections in all office and industrial areas. The District Commander/Division Director/Bureau Chief, or designee, shall complete an office self-inspection biannually by the end of June and December of the current calendar year. The District Commander/Division Director/Bureau Chief, or designee, will also complete an industrial area self-inspection, as applicable, quarterly by the end of March, June, September, and December.

7.0 ATTACHMENTS

- A. List of Loss Prevention and Control Coordinators & Loss Prevention and Control Committee Members**
- B. Supervisor Loss Prevention Incident Reporting Form**
- C. Investigator's Report Form**
- D. Employee Statement**
- E. Witness Statement**
- F. Office Self-Inspection/Safety Audit Report**
- G. Industrial Self-Inspection/Safety Audit Report**
- H. New Employee Orientation Checklist**

8.0 APPROVAL

APPROVED BY: S/ Gregory J. Fouratt DATE: June 25, 2015
DPS Cabinet Secretary